Remarks

Claims 1-13 are pending in the application. Claims 1-13 have been rejected under 35 U.S.C. § 103 on various grounds. In view of the following remarks, reconsideration and withdrawal of these grounds of rejection is requested.

§ 103 Rejections

Claims 1-4, 7-9 and 11stand rejected under 35 U.S.C. § 103(a) as being obvious over Ittah (FR 2 747 962) in view of Hedgcoth (U.S. Pat. No. 4,958,066). For the reasons set forth below, reconsideration and withdrawal of this ground of rejection is respectfully requested.

An embodiment of the present invention comprises a payment means with a first surface 5 including a plurality of columns of ten (10) boxes 6. Each column of boxes 6 includes rows numbered 0-9 (See Fig. 1). In the exemplary embodiment shown in Figure 1, there are five (5) columns 6, each column corresponding to a portion of a monetary amount. For example, the first column 1 may correspond to the base numbers, the second column 2 may correspond to "tens", the third column 3 may correspond to "hundreds", the fourth column 4 may correspond to "thousands", and the fifth column 5 may correspond to "tens of thousands". An area above the columns 6 permits a user to write in the amount of the payment means. Each of the boxes 0-9 in each column 1-5 covers a unique code 7 associated with the particular box (See Fig. 1). The unique codes are transmitted by a merchant accepting the payment means to a transaction center for verification (see specification, page 5, lines 21-25).

In operation, a user writes in the monetary amount of the payment means in the area above the columns 6, and then selects the number of each respective column 1-5 which corresponds to the monetary amount. For example, if the payment means were being made out for $4,500, the user would write "$4500" in the area above the columns 6, and then would scratch off the "4" box in column 4, the "5" box in column 3, the "0" box in column 2, and the "0" box in column 1. In such a way, the user of the payment means may select the monetary amount of the payment means, similar to writing a check.

Claim 1 now recites:

> A process for payment of a selected amount by a payer with a payment card having a multiplicity of series of 10 boxes numbered from 0 to 9, associated with a monetary value, each of said boxes

being covered before use by a masking device which masks a unique code comprising: <u>selecting a monetary amount</u> for the payment card; removing selected portions of the masking device by selecting a number of units in corresponding boxes <u>to enable the selected monetary amount</u>; and communicating codes corresponding to the boxes whose masking device has been removed by the payer to a transaction receiving center for monetary payment verification. [emphasis added].

Thus, claim 1 now requires a process for payment which includes "selecting a monetary amount" and removing portions of a masking device to "enable the selected monetary amount."

According to the English translation provided by the Examiner, Ittah teaches a payment card which maybe purchased for a fixed amount and used as currency. A user of the payment card purchases the card at a specified sales price 2 (e.g., 43 francs) which may be higher than the net value of the card 1 (e.g., 40 francs) (See Fig. 1). The payment card includes a plurality of "sub-total" boxes 6 which separately constitute the net value of the card (e.g., 16 "sub-total" boxes 6, worth 2.5 francs each). Below each "sub-total" box 6 is a masked area 7 containing a code number. When a user wishes to purchase an item using the payment card, the user scratches as many of the "sub-total" boxes 6 as are necessary to accomplish the transaction. For example, to purchase an item worth 5 francs, the user would scratch off two (2) of the masked areas 7 (assuming each masked area is associated with 2.5 francs) to reveal the two code numbers. The merchant uses the code numbers to verify payment of the selected amount.

Ittah fails to disclose or suggest a payment card whose monetary amount can be selected by the user through the removal of a mask layer. As noted above, claim 1 requires a process for payment which includes "selecting a monetary amount" and removing portions of a masking device to "enable the selected monetary amount. The payment card described by Ittah is a fixed monetary value payment card (e.g., 40 francs). Accordingly, a user of the payment card described by Ittah can only use the card as currency for an amount at or below the amount for which the card was initially purchased. A user of the payment card described by Ittah cannot independent select the monetary value of the payment card. Therefore, reconsideration and withdrawal of this ground of rejection with respect to claims 1-4 is respectfully requested.

Hedgcoth also fails to disclose or suggest a payment card whose monetary amount can be selected by the user through the removal of a mask layer from a plurality of boxes. Hedgcoth teaches a financial instrument (e.g., check) which includes on its rear face a template 4 used for

verification purposes. The template 4 includes a plurality of numbered boxes which are scratched off in a particular order (e.g., in accordance with an assigned PIN number) to verify that the person cashing the check is verified. Thus, if a person's checks are stolen, the thief cannot cash them without knowing the PIN number (see, col. 5, lines 15-19). It is clear that the template 4 and the associated numbered boxes disclosed by Hedgcoth having nothing to do with selecting the amount of the financial instrument. Hence, for this additional reason, reconsideration and withdrawal of this ground of rejection with respect to claims 1-4 is respectfully requested.

In accordance with the above, claims 7 and 11 have also been amended to more clearly specify that the "secure payment card" therein described may have selected portions of a mask removed by a user to represent "any selected numerical payment value." As noted above with respect to claim 1, both Ittah and Hedgcoth fail to disclose or suggest a payment card which can represent any numerical value through the removal of a mask layer (emphasis added). The payment card described by Ittah is specifically limited to the amount for which it was originally purchased, and the financial instrument disclosed by Hedgcoth does not select a specific monetary amount by the removal of masked portions. Accordingly, reconsideration and withdrawal of this ground of rejection with respect to claims 7-9 and 11 is respectfully requested.

Claims 5, 6 and 10 stand rejected under 35 U.S.C. § 103(a) as being obvious over Ittah in view of Hedgcoth and further in view of Leonard et al. (U.S. Pat. No. 4,667,985). For the reasons set forth below, reconsideration and withdrawal of this ground of rejection is respectfully requested.

As discussed above, neither Ittah nor Hedgcoth disclose or suggest a payment card which can represent any monetary value through the removal of a mask layer. Leonard also fails to disclose or suggest such an invention.

Leonard teaches a bank check 10 with a marking area 40 for specifying the amount of the check in an alternate format which is machine readable.

Leonard does not disclose or suggest a payment card which can represent any numerical value through the removal of a mask layer. Accordingly, reconsideration and withdrawal of this ground of rejection with respect to claims 5, 6 and 10 is respectfully requested.

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Ittah in view of Hedgcoth and further in view of D'Agostino (U.S. Pub. App. No. 2002/0120587 A1). For the reasons set forth below, reconsideration and withdrawal of this ground of rejection is respectfully requested.

As discussed above, neither Ittah nor Hedgcoth disclose or suggest a payment card which can represent any numerical value through the removal of a mask layer. D'Agostino also fails to disclose or suggest such an invention.

D'Agostino teaches a system and method for secure purchasing which includes a customer 54, a merchant 56, a solicitation device 58 (e.g., television), and an authorizing entity 64. Customers 54 review product solicitations on the device 58 and contact the authorizing entity 64 to obtain purchase verification and a transaction code to purchase certain items from the merchant(s) 56. Once verified, the customer 54 contacts the merchant 56 with a transaction code supplied by the authorizing entity 64, and the merchant, in turn, supplies the goods.

D'Agostino does not disclose or suggest a payment card which can represent any numerical value through the removal of a mask layer. Accordingly, reconsideration and withdrawal of this ground of rejection with respect to claims 12 and 13 is respectfully requested.

Summary

In view of the foregoing remarks, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

Respectfully submitted,

15 SEP 2003

Date
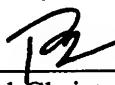
T. Daniel Christenbury
Reg. No. 31,750
Darius C. Gambino
Reg. No. 41,472

PIPER RUDNICK LLP
3400 Two Logan Square
Philadelphia, PA 19103-2762
Telephone: 215.656.3300